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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,636	08/18/2003	David J. Buckley	2894P	4429

29141 7590 06/15/2005  
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EXAMINER

NGUYEN, HUY D

ART UNIT PAPER NUMBER

2681

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/643,636

Applicant(s)

BUCKLEY, DAVID J.

Examiner

Huy D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-20 and 38-40 is/are allowed.
- 6) ☒ Claim(s) 1,2,6-10,14-17,21,22,26-30 and 34-37 is/are rejected.
- 7) ☒ Claim(s) 3-5,11-13,23-25 and 31-33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 6-8, 10, 14-16, 21-22, 26-28, 30, 34-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Frost et al. (US 2003/0158708).

Regarding claims 1, 10, 21, 30, Frost et al. teaches a method for handling messages between devices in a network, comprising the steps of: (a) receiving a message for a device application by a dispatcher application (e.g., configuration application 118) on a receiving device (see paragraph [0042], [0046]); (b) determining that the device application does not exist (e.g., the software version is incompatible with the application) on the receiving device by the dispatcher application (see paragraph [0046]); and (c) sending a notification to a user of the receiving device of receipt of the message (e.g., display an error message – see paragraph [0046]).

Regarding claims 2, 22, Frost et al. teaches the method of claim 1, wherein the receiving device is a wireless device (see paragraph [0030]).

Regarding claims 6, 26, Frost et al. teaches the method of claim 2, wherein the determining step (b) comprises: (b1) determining an identity of the device application from the message by the dispatcher application (e.g., the configuration application 118 will check the

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software version); and (b2) determining if the device application exists on the receiving wireless device (see paragraph [0046]).

Regarding claims 7, 27, Frost et al. teaches the method of claim 6, further comprising: (b3) delivering the message to the device application if the device application exists on the receiving wireless device (see paragraph [0046]).

Regarding claims 14, 34, Frost et al. teaches the method of claim 10, wherein the determining step (b) comprises: (b1) determining an identity of the device application from the message by the dispatcher application (e.g., the configuration application 118 will check the software version); and (b2) determining if the device application exists on the receiving wireless device (see paragraph [0046]).

Regarding claims 15, 35, Frost et al. teaches the method of claim 14, further comprising: (b3) delivering the message to the device application if the device application exists on the receiving wireless device (see paragraph [0046]).

Regarding claims 8, 28, Frost et al. teaches the method of claim 1, further comprising: (d) providing an option to obtain information on the device application (see paragraph [0044]).

Regarding claims 16, 36, Frost et al. teaches the method of claim 10, further comprising: (d) providing an option to obtain information on the device application (see paragraph [0044]).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9, 17, 29, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frost et al. (US 2003/0158708).

Regarding claims 9, 17, 29, 37, Frost et al. teaches the claimed invention except that the providing step (d) comprises: (d1) launching a shopping cart application if a selection to obtain the information is received. However, it would have been an obvious matter of design choice to launch a shopping cart application if a selection to obtain the information is received since the invention would perform equally well with launching any application if a selection to obtain the information is received.

***Allowable Subject Matter***

5. Claims 3-5, 11-13, 23-25, 31-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 3, 11, 23, 31, the closest prior arts, Frost et al. and Bitterlich et al. (US 2002/0119803), either singularly or in combination, fail to teach the method of claim 2, wherein the receiving step (a) comprises: (a1) receiving the message by the receiving wireless device; (a2) determining if the message identifies the dispatcher application; (a3) delivering the message to the dispatcher application if the message identifies the dispatcher application.

6. <sup>18-20 38-40</sup> Claims ~~33~~ and ~~33~~ are allowed. The following is an examiner's statement of reasons for allowance:

Regarding claims 18 and 38, the closest prior arts, Frost et al. and Bitterlich et al. (US 2002/0119803), either singularly or in combination, fail to teach a method for handling messages between wireless devices in a network, comprising the steps of: (a) receiving a message by a receiving wireless device; (b) determining if the message identifies a dispatcher application on the receiving wireless device; (c) delivering the message to the dispatcher application if the message identifies the dispatcher application.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Masuda et al. (US 2003/0090528 A1) teaches information processing apparatus and method, and information processing program.
- Doviak et al. (US 6,826,405) teaches apparatus and method for intelligent routing of data between a remote device and a host system.
- Ortiz Perez et al. (US 6,690,923) teaches self-diagnostic system for cellular-transceiver systems with remote-reporting capabilities.
- Leslie et al. (US 6,404,775) teaches band-changing repeater with protocol or format conversion.

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- Smith (US 6,272,333) teaches method and apparatus in a wireless communication system for controlling a delivery of data.

***Contact Information***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D. Nguyen whose telephone number is 571-272-7845. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 703-306-0003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Huy Nguyen



JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER